MINUTES OF THE
MEDICAL MARIJUANA STAKEHOLDER MEETING
February 24, 2014

The Medical Marijuana Stakeholder Meeting was called to order by Marla McDade Williams at 10:00 a.m. on Monday, February 24, 2014, in the Legislative Building, Room 1214, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer Building, 555 E. Washington, Las Vegas, NV. Offsite attendees accessed the meeting through a conference call number or the Internet.

STAFF MEMBERS PRESENT:

Marla McDade Williams, Deputy Administrator
Chad Westom, Bureau Chief
Steve Gilbert, Program Officer
Kelly Bown, Consultant
Jaclyn March, Consultant
Joseph Theile, Management Analyst
Sara Weaver, Administrative Assistant

OTHERS PRESENT:

Judiann Blewett	Jim Toreson	Carol Nault	Christine McLear
L.J. McCann	Todd Case	Scott Oelke	Dan Musgrove
Joseph Candella	Thomas Candella	Karla Severson	Bill Stockmar
William Horne	Coleen John	Samantha Antone	Louis Shugart
Zack Souai	Raymond Bartreau	Karen Becker	Derek Connor
John Sande	William Baker	Delosa Benedict	Michael Betts
Patrice Sowers	Brian O'Callaghan	Brandon Parcell	Sharlene Lewis
Sandra Tiffany	Bruce Gale	Martina Jaccarino	Keith Brewer
Joseph Vaughn	Azam Hakim	Julie Montero	Scott Lopez
Kimber Luciano	Joshua Cohen	Hassan Chaudary	Peter Krueger
Jake Ward	Eric Edgerton	John Sutton	John Gezelin
Lisa Hanserman	Lindsay Knox	Greg Saybalian	Johnny Stoker
Tisha Black	Michael Hillerby	Stephanie Allen	Joey Gilbert
Michael Pevy	Jim Barlow	Jeff Harrison	Ed Alexander
Todd Youren	Matt Haskin	Warren Markowitz	Scott Stewart
Adam Mintz			

Marla McDade Williams:
The Medical Marijuana Stakeholder Meeting is open. We will take general public comments.

Greg Saybalian:
My question pertains to building requirements. Can cultivation and dispensation facilities be under one roof?

Chad Westom:
We discussed that previously, and there is some guidance about the issue on our website. An entity can have both operations, but applicants should keep in mind that there are separate applications and separate application fees. In addition, there will need to be separation between the two operations.

Mr. Saybalian:
The regulations also state there needs to be a separate building. Does that mean there needs to be two freestanding buildings?

Mr. Westom:
They do not have to be freestanding buildings. The operations are subject to local requirements.

Mr. Westom:
I will give an overview of sections 63 through 79.

Michael Betts:
Regarding organic standards, is there currently a process in which we certify that organic products have been used? Do we follow the federal guidelines?

Mr. Westom:
We will not develop standards for organics; however, the proposed regulations do state that, if one can certify that a product is organic, one must meet the U.S. Department of Agriculture standards. Numerous organizations will certify organically grown products.

Mr. Betts:
In the merit process, is the State allotting points toward certified organic materials?

Mr. Westom:
This will be something that is looked at on applications. We cannot tell you what the point value might be. This is still under development.

Karen Becker:
In section 63, subsection 1, paragraph (a), does an MME obtain written authorization from the Division to prepare, sell, or dispense edibles, after licensing?

Mr. Westom:
This section addresses production. In addition, it addresses applications and certifications by the Division.

Ms. Becker:
The language in section 63, subsection 1, paragraph (a) reads as if one has to obtain written authorization from the Division in addition to the license.

Mr. Westom:
I agree.

Ms. Becker:
Section 63, subsection 2 states that the medical marijuana establishment (MME) is responsible for the content and quality for the product sold. If the establishment purchases edible and infused products from a production facility, this language seems to shift the product liability to the dispensary. Is that the intent?

Mr. Westom:
That is the intent of the language. We would look at this on a case-by-case basis. This would involve legal perspectives if something were to occur.

Ms. Becker:
Section 76, subsection 1 states that marijuana may be packaged in units of no more than a 2.5-ounce supply of marijuana. I believe that provision is burdensome. Can there be an exemption for cultivation-to-dispensary packaging?

Mr. Westom:
We do not consider product from a cultivator to a dispensary as "packaged." This section addresses retail products.

Ms. Becker:
Section 79, subsection 3 addresses "accompanying material." The burden is on the dispensary to provide accompanying material for infused products sold through a dispensary. Can this provision be changed to state that the production facility has to provide accompanying material to the dispensary?

Ms. McDade Williams:
A dispensary is within its right to ask a production facility to provide that information to the dispensary. The dispensary can then provide the information to the patient. This is an option for the dispensary. It is not the intent to lay a burden on the dispensary; however, we want the dispensary to know what is being sold.

Ms. Becker:
Is it an option for the dispensary to retest the product? Can a dispensary rely on the information received from a production facility?

Mr. Westom:
If cultivation and dispensation facilities have an arrangement with production facilities, that agreement is between the two businesses. The dispensary would still have to produce the material even if the production facility does not provide the material.

Adam Mintz:
There is some problematic language in section 76, subsection 1 related to packaging of marijuana and marijuana products. This provision states that marijuana must be packaged, labeled, and sealed, and that no single unit may contain more than 2.5 ounces of marijuana. That amount is appropriate when referring to dried cannabis, but when referring to marijuana products, such as edibles, the amount should be expressed in milligrams of THC [tetrahydrocannabinol]. In addition, 2.5 ounces of concentrate is a significant amount. I believe language should be added that is applicable to edibles and concentrates.

Ms. McDade Williams:
Section 76, subsection 1 states, "…such that no single unit contains more than a 2.5 ounce supply…," so a single unit can contain less than 2.5 ounces.

Mr. Mintz:
I am addressing marijuana products. I am assuming "marijuana products" includes edible products.

Ms. McDade Williams:
Yes, but the unit size is addressed. Are you saying that an edible unit size would exceed 2.5 ounces?

Mr. Mintz:
My point is that 2.5 ounces is an arbitrary amount. One could have 2.5 ounces of 10 percent THC, 2.5 ounces of 15 percent THC, etc. There is really no limit to the strength of the edible. For edibles, the amount should be expressed in milligrams of THC.

Ms. McDade Williams:
I understand that concern, but this is the maximum limit. We are willing to consider additional language that addresses a maximum limit if a technical issue needs to be resolved.

Mr. Mintz:
Additionally, if extracts are considered marijuana products, 2.5 ounces is a significant amount of concentrated marijuana.

Ms. McDade Williams:
Please identify the maximum level for those products, and we will consider your recommendation.

Jim Barlow:
Section 73, subsection 1 addresses childproof packaging. Is that requirement for wholesale distribution or for retail sales?

Mr. Westom:
Products going from the cultivation facility to the dispensary are not considered "packaged."

Mr. Barlow:
Does this section refer to the end user?

Mr. Westom:
Yes.

Peter Krueger:
I represent the Nevada Medical Marijuana Association. In reviewing the Nevada Revised Statutes (NRS) and the proposed regulations, I see no reference to or even prohibition of outdoor grows. Is it the intent of the Division to prohibit outdoor grows or outdoor-grow facilities? This issue is not addressed in the NRS or the regulations.

Mr. Westom:
When we were developing the regulations with the guidance we received and the Attorney General's Office input, it was determined that these facilities should not be outdoors. There is a possibility for a greenhouse-type arrangement as long as it complies with the regulations. The products cannot be visible from the outside. This might be a challenge, but it is feasible. Our understanding is that full outdoor grow, visible by the public, is not appropriate.

Mr. Krueger:
You are saying nowhere is outdoor grow prohibited; however, it is conceivable that one could put a fence around an outdoor grow, make it opaque, and, therefore, make some of these standards about visibility disappear.

Mr. Westom:
Correct. One could make use of some sort of greenhouse design but still meet these requirements.

Mr. Krueger:
I am referring to strictly cultivation outdoors on a plot of land surrounded by an opaque fence. Is that prohibited?

Ms. McDade Williams:
It could not be visible from the air, either. If one can make it completely opaque from all four sides, it may be allowable under the State regulations. There are still the local government regulations that may further clarify this issue.

Mr. Krueger:
That brings up my question about greenhouses and aircraft. So, the Division Deputy Administrator just said, if I understood correctly, that, whether it is outdoor or in a greenhouse, it must be screened or in some way opaque from the atmos…from flying over the facility or in any way. Obviously, the ground takes care of itself, the four walls take care of themselves, but does the roof have to be opaque?

Mr. Westom:
That is what the regulations outline.

Mr. Krueger:
Section 72, subsection 3, paragraph (b) states, "…omit an odor…" I find that to be a subjective standard. With noise, we have decibels. I am not a scientist, so I do not know if we have ways to measure odors—maybe we do. I find this troublesome that somebody who might be opposed to a grow operation, in particular, could say that they could smell the odor and there is no way to prove that he or she can really smell it. I may not be able to smell it but you could. So, I find that very subjective. I do not have an answer for you. I know there are filters and positive pressure, but I think that is a subjective term in these draft regulations.

Regarding section 72, subsection 3, paragraph (a), if marijuana growing inside a building cannot be observed from outside a building, then paragraphs (a) and (b) apply. An outdoor grow would not in occur in a building; therefore, paragraphs (a) and (b) would not apply. Correct?

Mr. Westom:
We considered that issue as part of the public workshop. That is the standard in the regulations. The guidance we received was that, in full outdoor grow operations, like some other agricultural crops—corn, wheat, alfalfa—medical marijuana cannot be grown that way. We will have to get back to you on the rationale…

Ms. McDade Williams:
Mr. Krueger is correct. We need to clarify that section with a technical amendment to specify it refers to any marijuana grown and eliminate the verbiage "inside a building."

John Sutton:
I will provide some context regarding section 72, subsection 3, paragraph (b). Initially, I thought the language was nebulous. For example, one of our partners works with police dogs; detectable odor is defined by a canine standard, which is approximately 100,000 times stronger than that of humans. This language does not preclude this as a definition. I ask that this section be rewritten to reflect this is a human standard. Persons interested in opening cultivation facilities are currently in the process of determining odor-mitigation strategies and protocols. If we must adhere to a canine standard, costs will be increased markedly. In addition, certain buildings will not be feasible.

During the stakeholder meeting of February 19, there was discussion regarding patient allocation to dispensaries. I understood at the time that is something that will not be done. However, it was indicated that an individual could declare a specific dispensary. In my reading of the NRS, I assume there is some limiting factor around this issue. I thought that if an individual declared a dispensary, they would have to buy from that dispensary. That makes sense to me because I want to be able to adhere to the requirements the State has established of a 2.5-ounce limit in a 2-week period for a specific patient. There could be patients that game the system and go to multiple dispensaries. Since the State electronic verification system has not been established, one could

envision a scenario in which a patient leaves dispensary A and drives to dispensary B and so on. If the dispensaries are going to be culpable if someone exceeds the 2.5-ounce limit, how will this scenario actually work?

Mr. Westom:
We cannot answer this question at this time. We are currently developing these systems. Conceptually, if the State does its part and the dispensaries do their part, the scenario you described can be avoided.

Jeff Harrison:
Regarding Mr. Krueger's testimony, hypothetically, if there was a cultivation facility 3,500 ft. above ground level, 1 hour outside Las Vegas, and this was on property that could only be viewed by the owners, how would that scenario be interpreted by the regulations?

Mr. Westom:
I do not want to engage in hypotheticals. As written, the regulations stipulate that product should not be visible by the public from the outside of the building.

Mr. Harrison:
One of the solutions is to erect a fence around greenhouses. What height do fences need to be? This requirement does not exist in the regulations.

Mr. Westom:
We do not have specifications for fences. As the regulations are adopted and with the guidance we have received from the Office of the Attorney General, the standard is that the product being grown cannot be seen from outside the facility—that includes from the side, top, or bottom.

Mr. Harrison:
If there were an 8 ft. fence, would it be assumed that someone could look over the fence? It seems this should be clarified.

Mr. Westom:
That is true, but if it were found there are obvious ways one could view product from the outside, the requirements would not be met.

Martina Jaccarino:
Regarding detectable odor in section 72, subsection 3, paragraph (b), we have investigated this issue without factoring in the canine standard. No one who has a grow facility could meet this standard. I understand that the regulations are close to being finalized, but I suggest that if there is, in fact, a solution to this issue, perhaps that solution should become part of the statute. What we have now is vague. We have tried an appropriate way to meet the standard for detectable odor, and it seems it is impossible. Do you know of any operations that can meet this standard?

Mr. Westom:
We have performed research across the Country with states that have medical marijuana programs. It is our understanding that some establishments in other states are able to meet standards such as this.

Ms. Jaccarino:
We will look into this further because we want to submit a program that meets or exceeds all the requirements.

The NRS 453A.210 addresses dispensaries. In some areas of the regulations, it seems that the patient has discretion as to whether they designate a primary dispensary. It also seems that if a patient declares a dispensary, they have to stay with that dispensary. Are patients obligated to select a primary dispensary?

Ms. McDade Williams:
In our reading of the statute you reference, the patient is not compelled to only purchase from the dispensary they selected.

Mr. Westom:
I will give an overview of sections 80-115.

Mr. Harrison:
Mr. Westom spoke about adequate lighting in section 106. Is the lighting requirement defined by section 105 for marijuana products? Is it a different standard than in section 105?

Mr. Westom:
Section 106 includes general requirements for lighting. Section 105 addresses lighting for facilities producing edible marijuana. The requirements in section 105 are more stringent than the requirements in section 106.

Ed Alexander:
Mr. Westom spoke about adequate drainage. Will the State define the concentrate levels suitable for discharge into drains? Is that left up to the local jurisdictions? I am referring to the discharge of unspent nutrients used in the cultivation process.

Mr. Westom:
Are you addressing public sewers versus a septic system?

Mr. Alexander:
Yes.

Mr. Westom:
The Division does not have a role in the disposal of wastewater; however, other agencies may oversee this issue. In addition, establishments will need to comply with the policies of local jurisdictions.

Mr. Alexander:
Most agencies I have contacted are essentially shrugging their shoulders on issues related to this topic. There will be a fair amount of nitrogen-based organic and/or inorganic material used in the growing process that will have to be discharged some place. Presumably, we would want to identify the acceptable concentrate level.

Mr. Westom:
This issue is not within the Division's jurisdiction.

Ms. McDade Williams:
Although this issue may not be in the Division's jurisdiction, keep in mind, if you discharge material there may be an agency that advises you that it is illegal. Establishments need to understand all the requirements of local jurisdictions and their criteria for discharge. This is true regardless of whether or not you receive specific guidance.

Todd Youren:
Section 105, subsection 10, subsection 2, paragraph (c), subparagraph (10), sub-subparagraph (I) references surfaces for floors, walls, and ceilings. Most cultivation facilities will have significant support structures to carry the load of lighting. In addition, ceilings have joists and trusses. Can this language be modified to state that only the walls and floors must have a smooth surface?

Mr. Westom:
Are you saying that ceilings might be bare wood?

Mr. Youren:
They could possibly be constructed with wood or steel. I am envisioning the term "smooth" to be akin to walls constructed of drywall or of a steel plate.

Mr. Westom:
There are different standards, but drywall, wood, and steel can be coated to make the surface smooth. We prefer to leave this standard. Otherwise, if there were no standard, one could use a porous material for ceilings. This standard prevents the growth of mold and mildew.

Mr. Youren:
The standard makes sense for the floors and walls, but I am referring to the ceilings. For example, if one had a building that had steel beams across the ceiling to support lighting and cooling, would that be sufficient? If not, would one have to install a smooth ceiling with mounts through the ceiling for lighting?

Mr. Westom:
Establishments are not required to have a drop ceiling in addition to the beams. The surface of the beams would need to be smooth and cleanable.

Bruce Gale:
If a cultivation facility is in a large warehouse-type facility and has wooden beams, no drop ceiling, I am not sure how that would be cleaned.

Mr. Westom:
I understand.

Ms. McDade Williams:
I will give an overview of "Discussion Points Concerning Laboratories Medical Marijuana Testing."

The following points identify key issues related to the testing of marijuana. Testing marijuana and letting consumers know its contents, in a standardized manner, is an important aspect of Nevada's Medical Marijuana Establishments Program. The provisions related to laboratories and testing are designed to ensure patients fully understand the products they are purchasing. Additionally, the regulations are intended to test marijuana after it is harvested and after it is altered in a production environment. This is a new industry for testing. We are starting where we believe it provides the best benefit for patients. In other states where medical marijuana is allowed, establishments may or may not send their marijuana out for testing. Some establishments may even conduct their own in-house testing. The difference in Nevada is that we will require the laboratory results to be reported to the consumer whether the consumer is a cardholder, a caregiver, a dispensary, or a production establishment. An establishment may choose to test its marijuana in-house, but those results may not be made available to a consumer. Only the results of the independent laboratory may be made available. Additionally, those results may not be used to dispute the results of an independent laboratory.

The laboratory and testing requirements begin at section 116. This section specifies the requirements for a scientific director who is ultimately responsible for the laboratory operations. The requirements of section 116, subsection 2 should be verifiable at all times for purposes of an inspection.

Among the requirements in section 118, subsection 1 is an allowance for a laboratory to request additional sample material in excess of the amounts listed in the table in subsection 2. An establishment should feel free to contact the Division if it feels there is abuse of these provisions.

The table in section 118, subsection 2 specifies the tests required for the product type. It also specifies the sample sizes needed to conduct the tests.

Section 119 reflects the requirements for independence between laboratories and other establishments.

Section 120, subsection 1 specifies that, before packaging raw marijuana for sale, a cultivation facility shall segregate all harvested marijuana into homogenized batches and select a random sample from each batch for testing by an independent testing laboratory. The laboratory is responsible for collecting the samples unless the laboratory agrees that a cultivation facility representative may collect the sample. The key to this subsection is that the laboratory is responsible for ensuring the sample is representative. In addition, there will be a technical change to this section to identify that production facilities need to adhere to these requirements.

Section 120, subsection 2 specifies the items for which the marijuana must be tested. The testing will be guided by recommendations of the Independent Laboratory Advisory Committee. The Division will staff the committee, review the recommendations of the committee, and, as it accepts recommendations for testing, will specify the required tests in a policy manual that must be followed by the laboratories. Recommendations considered by the committee will be discussed and considered in open, public meetings that will be held in accordance with Nevada's Open Meeting Law.

Section 120, subsection 3 specifies that while the marijuana is being tested, it must be segregated, and it may not be sold before the test results are received. There is no time limit specified for when a laboratory must produce results. Although not required by the regulations, laboratories should be clear about how long it will take to process the required tests. The goal is quality testing to ensure patients understand what is in the products they are buying. If an establishment believes a laboratory is not processing tests in good faith, the establishment should contact the Division.

Section 120, subsection 4 requires a laboratory to return or dispose of any marijuana upon the completion of any testing, use, or research. A laboratory must work with an establishment if it intends to keep the marijuana for other use (e.g., proficiency testing) or research. The end goal is that the work of the laboratory helps develop better information for patients and the industry, not that it benefit itself in a private capacity. Research is permitted under current state law, but it must be done by the University of Nevada School of Medicine (NRS 453A.600).

Section 120, subsection 5 addresses what happens if a sample of marijuana does not pass the required tests. One exception is allowed if a product fails a test as identified in section 127.

Section 120, subsections 6 through 9 specify the allowable levels of microbials, mycotoxins, heavy metals, and pesticides. Section 120, subsection 7 will be amended to reflect that Aflatoxin B1, B2, G1 and G2 be less than 20 uG/KG of substance. In addition, in subsection 9, the Independent Laboratory Advisory Committee will establish the allowable list of pesticides, and those pesticides cannot exceed the amount specified in Subpart C of 40 C.F.R. Part 180.

Section 120, subsection 11 requires the laboratory to file with the Division an electronic copy of each laboratory test result that does not pass the required tests at the same time it transmits the results to the establishment. Laboratories must also retain the laboratory results.

Section 121 allows the Division to work with laboratories to ensure the laboratories are getting consistent test results.

Section 122 specifies the requirements for internal laboratory policies.

Section 123 allows for accreditation for laboratories, does not require accreditation, and specifies that accreditation inspections are not a substitute for inspections by the Division. The Division must also approve the accrediting organization before the laboratory may make the claim of accreditation.

Section 124 establishes the Independent Laboratory Advisory Committee.

Section 125 is applicable to inspections by the Division and checks and balances to ensure that the products that were tested are the products being sold. If this option is used, the establishment must pay for the cost of testing.

Section 127, subsection 1 allows marijuana that fails a quality assurance test to be used to make a CO_2 or solvent-based extract; however, the resulting extract must pass all required quality assurance tests.

Section 127, subsection 2 allows an establishment to ask the Division to authorize a retest.

Mr. Mintz:
Section 120, subsection 4 requires a laboratory to return or dispose of any marijuana upon completion of testing, use, or research. Will there be any protocols in place if a laboratory returns marijuana? It seems there needs to be clarification of how the return process works.

Ms. McDade Williams:
Laboratories are required to have an inventory control system. If a laboratory returned marijuana after testing, the laboratory would need to document the return in its system. In addition, the receiving entity would then document the return in the inventory control system. Are you requesting additional protocols pertaining to security?

Mr. Mintz:
I want to ensure there is a chain of custody.

Ms. McDade Williams:
We will review the chain-of-custody requirements to ensure they are clear. Keep in mind that laboratories have the requirement of inventory control as well.

Matt Haskin:
Are batches for testing limited in size?

Ms. McDade Williams:
Yes, batch sizes are limited based on the definitions in the regulations.

Mr. Haskin:
Is the limit based on weight or an amount harvested?

Ms. McDade Williams:
Section 2 defines the term "batch" as "…a specific lot of marijuana grown from one or more seeds or cuttings…" Section 12, subsections 1 and 2 defines the term "lot" to mean 5 pounds or less of flowers, or the leaves or other plant matter from one or more marijuana plants, other than female flowers, in a quantity that weighs 15 pounds or less.

Warren Markowitz:
My concern is the number and distribution of laboratories in the State. Has the Division taken into account that there will be a bottleneck created in relation to bulk production and distribution to patients? This is because establishments will be required to use independent laboratories and wait for test results. Have the number of laboratories and their potential locations been taken into consideration? What will happen if laboratories are not operational once MMEs have everything in place?

Ms. McDade Williams:
As we receive laboratory applications, the Division will ensure there is adequate laboratory testing capacity in the State for cultivation and production facilities.

Mr. Markowitz:
As I said, there seems to be a bottleneck being created between the production and the distribution process with the laboratory-testing requirement. In the document you distributed, you note that some facilities may choose to do their own testing. If facilities have qualified individuals to perform testing, could that testing be used instead of that of an independent laboratory?

Ms. McDade Williams:
If all establishments are ready but laboratories are not ready, no one will move forward. Products must be tested by an independent laboratory; establishments cannot have in-house testing that meets the State's requirements. The Division is striving to ensure that laboratories are up and running, and they are ready to test. In addition, the Division is doing its best to ensure that cultivators are out ahead for dispensaries once everything is in place. Keep in mind, however, that the Division is bound by the 10-day application period and a 90-day review period of applications. This is the Division's burden. I acknowledge that, at some point, there may be a bottleneck and that is something we have to accept. The Division will do its best to certify the laboratories and cultivators in place first, but there are no guarantees.

Mr. Markowitz:
Does the Division have the ability to suspend some of these requirements if it is found there are bottlenecks?

Ms. McDade Williams:
No, the Division does not have that ability because the statutes, which supersede the regulations, give the Division its authority. The statutes specify that laboratory testing must be independent.

Mr. Alexander:
Has the State considered allowing out-of-state independent testing facilities, provided they have met the State standards, in the event a bottleneck occurs?

Ms. McDade Williams:
No, testing can only be performed by a Nevada-licensed laboratory.

Ms. Jaccarino:
I have concerns about the definitions of "batch" and "lot," and how the definitions will affect the cost of laboratory testing. It is clear we must uphold the utmost standards for quality assurance. In researching this issue, the definition of batch is consistent with the science. Growers can maintain consistency of an entire room of product, and they can achieve uniformity for a substantial volume of product by using un-rooted cuttings or clones—these can be subjected to the same environmental factors. Is there a scientific reason the Division is not using the definition of lot that permits a grower to take one sample of a room of genetically identical plants as opposed to 15 pounds?

Ms. McDade Williams:
The Division needs the assurance that independent-laboratory testing will be performed. If the Division finds that requirements in the regulations are too onerous, the requirements can be changed. Currently, the Division needs to ensure there is consistency and the only way to ensure consistency is to have product tested in the manner identified in the regulations.

Ms. Jaccarino:
Because the cost of the laboratory tests are approximately $300, costs to growers could be hundreds of thousands of dollars annually. Is there a possibility the definitions could be tightened?

Ms. McDade Williams:
In the future, the Independent Laboratory Advisory Committee will be the forum in which to make recommendations. If the Division finds there is consistency under the current requirements, the Committee will be able to respond as soon as possible.

Steve Gilbert:
I will give an overview of sections 139 through 145.

Jim Toreson:
Can a cultivation and edibles facility be in one facility?

Ms. McDade Williams:
There is guidance posted on our website regarding this issue. You may contact Joe Theile, and he can send that information to you via email.

Mr. Toreson:
For integrated operations, may operations share quality and production control?

Ms. McDade Williams:
Because each establishment application needs to be submitted separately, each application must identify these elements. There is no prohibition for those controls to be shared, but applications must identify each establishment in separate applications.

Mr. Toreson:
Overhead could be reduced if they can be combined.

Ms. McDade Williams:
The next forum will be the public hearing at the State Board of Health (SBOH) on March 14. The SBOH will issue an agenda along with a staff memo prior to the meeting. I will present the staff memo and will be available to the members of the SBOH for questions. The SBOH meeting will then be opened for public comment. Following any public comment, the regulations will either be adopted or not adopted.

I will take any additional general public comments.

Scott Stewart:
Regarding the detectable odor issue, when would that be measured? For instance, if one had a large parcel with several greenhouses with a security gate, would that be measured at the security gate, the overall property, or closer to the facility?

Ms. McDade Williams:
The intent of the odor provision is to minimize complaints from surrounding properties. The Division will have the obligation to assess the validity of complaints. Regarding the scenario you described, the Division would likely only consider where the public has access to the property. Keep in mind, there may be issues that arise, such as wind, which may shift the odor away from a property. If the odor were significant, the Division would have to make decisions based on conditions.

The meeting is adjourned at 11:54 a.m.

RESPECTFULLY SUBMITTED:

_____
Sara Weaver,
Administrative Assistant

APPROVED BY:

_____
Marla McDade Williams, Deputy Administrator

DATE: _____